

CITY OF SALINA, KANSAS
REGULAR MEETING OF THE BOARD OF COMMISSIONERS
APRIL 2, 2007
4:00 p.m.

The City Commission convened at 2:30 p.m. in a Study Session for a review of the Pay Plan Study. The Regular Meeting of the Board of Commissioners was called to order at 4:00 p.m. in Room 107, City-County Building. A roll call was taken followed by the Pledge of Allegiance and a moment of silence.

There were present:

Mayor Donnie D. Marrs, Chairman presiding
Commissioner Alan E. Jilka
Commissioner Deborah P. Divine
Commissioner R. Abner Perney
Commissioner John K. Vanier II

comprising a quorum of the Board, also present:

Jason A. Gage, City Manager
Greg Bengtson, City Attorney
Penny Day, Deputy City Clerk

Absent: None

CITIZEN FORUM

None.

AWARDS - PROCLAMATIONS

(4.1) The month of April, 2007 as "Fair Housing Month" in the City of Salina. Maribel Panuco, Human Relations Commissioner, read the proclamation and announced upcoming events.

PUBLIC HEARINGS AND ITEMS SCHEDULED FOR A CERTAIN TIME

None.

CONSENT AGENDA

(6.1) Approve the minutes of March 26, 2007.

(6.2) Approval of Change Order #3 for the Fire Station #2 Addition and Renovation Project No. 05-1508 amending the City of Salina's contract with Harbin Construction by increasing the total contract value by \$13,862.66.

- 07-7514 Moved by Commissioner Divine, seconded by Commissioner Vanier, to approve the consent agenda as presented. Aye: (5). Nay: (0). Motion carried.

DEVELOPMENT BUSINESS

None.

ADMINISTRATION

- (8.1) Second reading Ordinance No. 07-10382 vacating 30 feet of platted restricted access along the west side of Lot Two, Block One in Schilling Subdivision No. 7.

Mayor Marrs reported that Ordinance No. 07-10382 was passed on first reading on March 26, 2007 and since that time no comments have been received.

- 07-7515 Moved by Commissioner Vanier, seconded by Commissioner Divine, to adopt Ordinance No. 07-10382 on second reading. A roll call was taken. Aye: (5) Divine, Jilka, Perney, Vanier, Marrs. Nay: (0). Motion carried.

- (8.2) Certification of final costs for 2007 Special Assessment Projects.

(8.2a) First reading Ordinance No. 07-10383.

Karlton Place, City Engineer, explained the final cost for each project and the upcoming dates regarding the assessment process.

Jason Gage, City Manager responded to Commissioner Jilka's question regarding the 15 year repayment schedule in comparison with other cities.

- 07-7516 Moved by Commissioner Divine, seconded by Commissioner Vanier, to adopt Ordinance No. 07-10383 on first reading. Aye: (5) Nay: (0). Motion carried.

- 07-7517 Moved by Commissioner Divine, seconded by Commissioner Vanier, to set April 16, 2007 as the date for the public hearing and have the City Clerk publish a notice of the public hearing and mail a notice to each property owner. Aye: (5) Nay: (0). Motion carried.

- (8.3) Ordinance No. 07-10385 establishing a temporary moratorium on new junkyards or the expansion of existing ones in the City of Salina.

Dean Andrew, Director of Planning and Community Development, explained the reason for the moratorium, and that the review of the current zoning ordinance that deals with these type of businesses will take approximately 90 days.

- 07-7518 Moved by Commissioner Jilka, seconded by Commissioner Divine, to approve Ordinance No. 07-10385 on first reading. Aye: (5). Nay: (0). Motion carried.

07-7519 Moved by Commissioner Divine, seconded by Commissioner Vanier, to declare an emergency exists and approve Ordinance No. 07-10385 on second reading. A roll call was taken. Aye: (5) Divine, Jilka, Perney, Vanier, Marrs. Nay: (0). Motion carried.

(8.4) Resolution No. 07-6380 authorizing an agreement with Community Access Television of Salina, Inc. for public, educational, and governmental television programming.

Jason Gage, City Manager, explained the changes that occurred due to the passage of the *2006 Video Competition Act*, he also reviewed the proposed agreement with Community Access Television of Salina (CATS).

Commissioner Divine commented on all of the services that are provided by CATS.

Mr. Gage responded to Commissioner Perney's question regarding what would happen if another cable company were to move into Salina, or if Cox Communications were sold to another company.

David Hawksworth, 2515 River Rd., CATS Executive Director thanked staff for all of their time and effort on this issue, and assured the Commission that they are in the process of finding alternative funding.

Mayor Marrs thanked Mr. Hawksworth for his patience regarding this issue.

Greg Bengtson, City Attorney, clarified the statute for Commissioner Perney and verified his understanding with Mr. Hawksworth.

Commissioner Jilka stated that it is an easy decision to approve this agreement because CATS is a well ran entity.

07-7520 Moved by Commissioner Jilka, seconded by Commissioner Divine, to adopt Resolution No. 07-6380. Aye: (5). Nay: (0). Motion carried.

(8.5) Amending Chapter 8, Article III of the Salina Code pertaining to Building Contractor and Skilled Trade Contractor Licensing.

(8.5a) First reading Ordinance No. 06-10323.

Greg Bengtson, City Attorney, summarized the proposed ordinance.

Mike Roberts, Building Official, and Mr. Bengtson responded to Commissioner Vanier's question regarding the ability for a person to pull a building permit for a personal project if that person is listed as the qualified individual for their licensed employer.

Mr. Bengtson responded to Mayor Marrs' question regarding the wording in the ordinance in Section 8-183, item number 6.

Mr. Bengtson then clarified for Commissioner Divine if one person can hold more than

one license at a time.

Mr. Roberts responded to Commissioner Perney regarding out of town contractors being required to obtain a license even if they only have one project.

Mayor Marrs stated his opposition to the \$99,000 limit placed on the Class D Contractor/Owner category.

Discussion followed between Commissioner Vanier, Mayor Marrs, Mr. Gage, and Mr. Roberts regarding a person who is designated as a qualified individual for a licensed contractor being able to pull permits for other work.

Bob Haworth, Building Advisory Board Chairman, 913 Twin Oaks, clarified that the board did not want the qualified individual to be required to work a specific number of hours. He referenced a letter that he had written to the City Commission and mentioned that the board preferred the language in Item 7 of the letter.

Mr. Roberts responded to Commissioner Divine's question regarding volunteer work.

Mayor Marrs stated that he appreciated all of the work that had been done on this issue.

07-7521 Moved by Commissioner Divine, seconded by Commissioner Vanier, to adopt Ordinance No. 06-10323 on first reading.

07-7522 Moved by Mayor Marrs, seconded by Commissioner Vanier, to amend the proposed motion to omit the \$99,000 limit in Section 8-172, Chart I, Class D Contractor/Owner category. Aye: (2) Marrs, Vanier. Nay: (3) Divine, Jilka, Perney. Motion failed.

07-7523 Moved by Mayor Marrs, seconded by Commissioner Jilka, to amend the proposed motion to change the wording in Section 4 of the proposed ordinance by changing the word 'issued' to 'applied for' and remove the words 'a period of one (1) year'. Aye: (5). Nay: (0). Motion carried.

07-7524 Moved by Commissioner Divine, seconded by Mayor Marrs, to amend the proposed motion to eliminate the 32 hour requirement from the definition of full-time basis. Aye: (5). Nay: (0). Motion carried.

Mayor Marrs called the question. Aye: (5). Nay: (0). Motion carried.

07-7525 Moved by Commissioner Jilka, seconded by Commissioner Perney to recess into executive session for 15 minutes to discuss matters subject to the attorney-client privilege for the reason that public discussion would waive that privilege; and reconvene in this room at 5:40 p.m. Aye: (5). Nay: (0). Motion carried.

The City Commission recessed into executive session at 5:25 p.m. and reconvened at 5:46 p.m. No action was taken.

OTHER BUSINESS

None.

ADJOURNMENT

07-7526 Moved by Commissioner Vanier, seconded by Commissioner Perney, that the Regular Meeting of the Board of Commissioners be adjourned. Aye: (5). Nay: (0). Motion carried. The meeting adjourned at 5:47 p.m.

Donnie D. Marrs, Mayor

[SEAL]
ATTEST:

Lieu Ann Elsey, City Clerk